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April 13, 2004

Lyn Farmer, Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

Arizona Corporation Commission

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Re: Arizona Public Service Company
Docket No. E-01345A-03-0437

Dear Judge Farmer:

The Arizona Competitive Power Alliance ("ACPA") hereby responds to the "Staff's Motion to Amend Procedural Schedule" filed on April 7, 2004 in the above docket. The ACPA believes that good cause exists for granting Staff's motion, as set forth therein, and urges the Chief Administrative Law Judge to grant the motion, and amend the procedural schedule accordingly.

Arizona Public Service Company ("APS") has raised a significant number of new issues, along with new witnesses and evidence that parties will need additional time to adequately analyze and prepare to potentially rebut. The current procedural schedule will not allow sufficient time for discovery, analysis and preparation of testimony, thereby prejudicing all parties to this proceeding. Staff's Motion is well reasoned and fair to both APS and other parties in terms of requesting a reasonable extension to the existing schedule.

The ACPA would note, however, that Staff's Motion does not specifically address the schedule beyond the point of filing surrebuttal testimony, and could be read as requesting a change in the date for such surrebuttal filing from April 30, 2004 to May 28, 2004 that would be applicable to Staff only, and not to intervenors. Further, the Motion did not address the potential effects that granting the Motion would have on the remainder of the procedural schedule, including the May 25, 2004 hearing date. Amending the schedule only within the express wording of Staff's Motion would defeat the purpose behind the proposed extension, and would, at a minimum, preclude APS and intervenors from conducting any discovery or filing rejoinder testimony to Staff's surrebuttal. ACPA would not support granting Staff's Motion if other parties were not afforded the same extension. The ACPA therefore urges the Chief Administrative Law Judge, when considering and ruling on Staff's Motion, to make appropriate adjustments to the entire schedule for this proceeding.


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ACPA supports granting the relief that has been requested by Staff for the reasons given, and requests that the remainder of the procedural schedule be amended to preserve all parties rights while ensuring timely and orderly processing of the case.

Respectfully Submitted,



James M. Van Nostrand

cc: Docket Control
Commissioners
All parties of record

Original and 13 copies of the foregoing filed
this 13th day of April, 2004 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Copy of the foregoing hand-delivered this
13th day of April, 2004 to:

VIA HAND DELIVERY

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